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PATENT

ATTORNEY DOCKET NO.: 066949-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 HALLINAN et al.)
)
 Application No.: 10/813,078)
)
 Filing Date: March 31, 2004)
)
 For: MOWER TRIMMER COMBINATION FOR)
 FACILITATING SIMULTANEOUS MOWING)
 AND EDGE TRIMMING IN A SINGLE PASS)

PETITION UNDER 37 C.F.R. § 1.47 (a)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby petitions under 37 C.F.R. § 1.47 (a) for withdrawal of the Notice of File Missing Parts requirement for a new declaration signed by inventor James Schreck.

Specifically, under the requirements of 37 C.F.R. § 1.47 (a), Applicant hereby asserts that inventor James Schreck cannot be found after diligent effort. Under the requirements of 37 C.F.R. § 1.47 (a), on July 21, 2004 Applicant's representative forwarded the enclosed Declaration and Power of Attorney, and a copy of the application filed on March 31, 2004 to Mr. Schreck at his last known address of 15 Elm Street, Lake Ronkonkoma, 11779 NY, and requested Mr. Schreck to execute the enclosed document or call Applicant's representative at 202-906-8696 by July 26, 2004. Since Applicant's representative did not receive a response from Mr. Schreck by July 26, 2004, on July 27, 2004 Applicant's representative again forwarded the enclosed Declaration and Power of Attorney to Mr. Schreck at his last known address, and requested Mr. Schreck to execute the enclosed document or call Applicant's representative by August 2, 2004. Since Applicant's representative did not receive a response from Mr. Schreck by August 2, 2004, Applicant hereby asserts that despite repeated attempts to contact Mr. Schreck, Mr. Schreck cannot be found or reached after diligent attempts to contact him. Since Mr. Schreck was an employee of the National Cemetery Administration, assignee of the above-

identified application, filing of the above-identified application without Mr. Schreck's signature was therefore necessary to preserve the rights of the parties to secure patent protection for the invention herein. Applicant hereby authorizes the charging of the Petition fee of \$130 (37 C.F.R. § 1.17 (h)) to our Deposit Account No. 04-2223. Any other fee(s) due in connection with the filing of this Statement should be charged to our Deposit Account No. 04-2223.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Dated: August 5, 2004

By: 

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COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION (Includes PCT)

Attorney Docket No.
066949-0001

AUG 05 2004

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**MOWER TRIMMER COMBINATION FOR FACILITATING SIMULTANEOUS
MOWING AND EDGE TRIMMING IN A SINGLE PASS**

the specification of which (check one): ☐ is attached hereto.

☒ was filed on March 31, 2004 as Application Serial No. 10/813,078 and was amended
on

☐ was filed as PCT international application no. _____ and was
amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I do not know and do not believe the claimed invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

(Number) (Country) Day/Month/Year Filed

Priority Claimed

☐ ☐
Yes No

(Number) (Country) Day/Month/Year Filed

☐ ☐
Yes No

I hereby claim the benefit under Title 35, United States Code, §119 (e) of any United States provisional application(s) listed below:

60/458,966 April 1, 2003 _____
Application No. Day/Month/Year Filed Application No. Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. Filing Date Status (patented, pending, abandoned)

Application Serial No. Filing Date Status (patented, pending, abandoned)



I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Lawrence R. Radanovic, Reg. No. 23,077; Richard H. Tushin, Reg. No. 27,297; Donald N. Huff, Reg. No. 27,561; John P. DeLuca, Reg. No. 25,505; Charles Rutherford, Reg. No. 18,933; Robert L. Kelly, Reg. No. 31,843; Ernest E. Helms, Reg. No. 29,721; William F. Kolakowski, Reg. No. 41,908; and Adesh Bhargava, Reg. No. 46,553, all of Dykema Gossett, P.L.L.C. Direct all telephone calls to telephone no. (202) 906-8600 and faxes to (202) 906-8669.

Address all correspondence to **Dykema Gossett, PLLC, Suite 300 West, 1300 I Street, N.W., Washington, D.C. 20005- 3306.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Joint Inventor Patrick HALLINAN	Inventor's Signature	Date
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Post Office Address: Same as Above.		
Full Name of Second Joint Inventor Karl W. MACDONALD	Inventor's Signature	Date
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Full Name of Third Joint Inventor James SCHRECK	Inventor's Signature	Date
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Full Name of Third Joint Inventor Stanley LEWANDOWSKI	Inventor's Signature	Date
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